



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRVARTHY**

**W.A(MD)NO.1124 OF 2023
and
C.M.P(MD)No.8613 of 2023**

1.The Joint Director of School Education,
(Higher Secondary),
College Road,
Chennai -6.

2.The Chief Educational Officer,
Thanjavur
Thanjavur District.

3.The District Educational Officer,
Thanjavur
Thanjavur District.

:Appellants/Respondents 1 to 3.

.vs.

1.S.Vasugi : Ist Respondent/Writ Petitioner

2.The Secretary,
Kalyana Sundaram Higher Secondary School,
Thanjavur – 613 009,
Thanjavur District. :2nd Respondent/4th Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.14009 of 2021, dated 09.06.2022.

For Appellants

:Mr.D.Sadiq Raja



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Addl.Govt.Pleader

For Respondent-1

:Mr.T.Ponkumar

JUDGMENT

[Judgment of the Court was made by **S.S.SUNDAR,J.**]

This Writ Appeal is directed against the order of the Learned Single Judge allowing the Writ Petition filed by the first respondent/Writ Petitioner in W.P(MD)No.14009 of 2021.

2.The brief facts leading to the filing of the Writ Appeal reads as follows:

The first respondent/Writ Petitioner is a Teacher and she filed the above Writ Petition challenging the order by which the claim for incentive increment for acquiring higher qualification was rejected by the Joint Director of School Education and subsequently by the Chief Educational Officer.The application for incentive increment was rejected by the Joint Director of School Education and subsequently by the District Educational Officer by order, dated 12.11.2019 and 20.12.2019 respectively. The application for incentive increment was rejected only on the ground that the first respondent had not obtained prior permission of the authorities for undergoing higher education. Therefore,the learned Single Judge of



this Court, allowed the Writ Petition, following the view taken by this Court by another Judge of this Court in ***J.Tamilrajan .vs. Department of School Education and others passed in W.P(MD)No.4019 of 2018.*** It is now admitted before this Court the same view of this Court was affirmed in W.A(MD)No.813 of 2021 in the case of ***The Director of School Education,DPI Campus, College Road, Chennai -6 .vs. G.Anandhi,*** dated 16.4.2021.

3.This Court find that the issue is no-more resintegra in view of the several judgments on this issue holding that the claim of teachers for incentive increment cannot be rejected on the ground that the concerned teacher had not obtained prior permission of the authorities for undergoing higher education. Since the issue has been settled by precedents, this Court is unable to countenance the arguments advanced by the learned counsel for the appellants. It is true that there are several Government Order which have insisted the requirement of permission of the educational authorities for a teacher to undergo higher education. It is to be noted that the payment of incentive increment for acquiring higher qualification is to encourage the teachers to acquire higher qualification so that the quality of education will be higher. It may



be true that the teacher while in service will have to obtain prior permission as per the Government Orders . Further it is to be noted that acquiring higher qualification while in service is not prohibited and it is only regulated. In such circumstances, acquiring higher qualification while in service without the permission is only an irregularity and that will not entitle the respondents to reject the benefit to the teachers.

4.Considering the overall policy of the Government,there is no reason to take a different view as expressed by the learned Single Judge.The decision relied upon by the learned Single Judge in the subject-matter in issue has been subsequently affirmed by the learned Division Bench of this Court. Hence this Court finds no merit in the Writ Appeal and the same is liable to be dismissed.

5.Accordingly, the Writ Appeal stands dismissed. No costs. The appellants are directed to comply with the direction of the learned Single Judge within a period of twelve weeks from the date of receipt of a copy of this judgment. Consequently connected Miscellaneous Petition is dismissed.

[S.S.S.R.,J.] [D.B.C.,J.]
24.07.2023



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Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn



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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

vsn

JUDGMENT MADE IN
W.A(MD)NO.1124 OF 2023
and
C.M.P(MD)No.8613 of 2023

24.07.2023